

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PLATINUMTEL COMMUNICATIONS,)
LLC,)
)
Plaintiff,)
)
) No. 08 CV 1062
vs.)
)
ZEFCOM, LLC d/b/a TELISPIRE,)
TELISPIRE, INC, et al,)
)
Defendants.)
)

**DEFENDANT TELISPIRE'S MOTION TO
DISMISS PLATINUMTEL'S AMENDED COMPLAINT**

Defendant ZefCom, LLC d/b/a Telispire® ("Telispire"), by its attorneys, respectfully moves this Court pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6) to enter an order dismissing with prejudice each of the claims asserted against Telispire by plaintiff PlatinumTel Communications, LLC ("PlatinumTel") in Counts I through V of PlatinumTel's Amended Complaint. PlatinumTel's claims against Telispire should be dismissed because Counts I-V fail to state a claim upon which relief may be granted. In addition, each Count is based upon alleged fraud, and PlatinumTel has failed to plead any of the Counts with the specificity required under Rule 9(b). In support of this motion, Telispire submits its Memorandum of Law in Support of Its Motion to Dismiss PlatinumTel's Amended Complaint.

WHEREFORE Defendant Telispire respectfully requests that Counts I-V of the Amended Complaint against Telispire be dismissed with prejudice.

Dated: May 20, 2008

Respectfully submitted,

ZEFCOM, LLC d/b/a TELISPIRE, INC.

By: s/ Terri L. Mascherin
One of its Attorneys

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CERTIFICATE OF SERVICE

I, Jeffrey S. Eberhard, an attorney, certify that on May 20, 2008, I caused a copy of the foregoing Motion to Dismiss and the accompanying Memorandum of Law to be served by ECF to:

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s/ Jeffrey S. Eberhard